

**EMERGENCY MEETING
AUGUST 11, 2006**

The meeting was called to order at 9:36 a.m. and was followed by the Pledge of Allegiance. Present at the meeting were Mayor Truex, Vice-Mayor Crowley and Councilmembers Caletka, Paul (via phone) and Starkey (via phone). Also present were Acting Town Administrator Cohen, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

- Mayor Truex: First of all, the reason for the emergency meeting, I guess everyone's been briefed on, there's some small degree, or I guess large degree, I don't know what the degree of uncertainty is, but there was some question as to whether the terms in rates and everything of the deal with the Florida League of Cities insurance was going to be binding past noon today. So, Mrs. Starkey, thank you for bringing that to everyone's attention. And so that's the reason we called this emergency meeting. Any questions about the need for the emergency meeting itself before we go on with what we're here to talk about.
- Councilmember Starkey: No.
- Councilmember Caletka: I really question whether this qualifies as an emergency for insurance.
- Councilmember Starkey: I can't hear Mr. Caletka.
- Councilmember Caletka: I said, I truly question the need for an emergency meeting in the sense that I really question whether this qualifies as an emergency. You know, if it was hurricane related, or if there was something life threatening, or something with the Police Department, I think that it might qualify; but for an insurance policy when we have a decent alternative, you know I really question the legitimacy of it.
- Councilmember Starkey: Mayor, may I?
- Mayor Truex: Go ahead. We don't want to take all day on this, but go ahead.
- Councilmember Starkey: Yeah, just briefly. The issue of an emergency could be held for the health, safety and welfare of the community according to our Charter. The bid, as it was, would not have been a good amount. They could not guarantee the amount any longer. Unilaterally, no one in the Town can make this decision to go forward with this contract or bind the Town. Only the Town Council could give that authority; therefore, I've asked for an emergency meeting and I appreciate the effort.
- Councilmember Caletka: Mayor, may I?
- Mayor Truex: Go ahead.
- Councilmember Caletka: I just question, does this qualify as a threat to the health of the community?

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Mayor Truex: Let's just - why don't we ask the attorney, is - do you have any thoughts on the meeting today? I know in the past, if it's been a large sums of money at stake, things like that - or

Mr. Kiar: Candidly, I have no backup on this. I understand, if I could just once -

Mayor Truex: Go ahead.

Mr. Kiar: clarify something. Is it my understanding that they have to have a contract today ,is that the purpose for this, or they're going to withdraw their bid?

Mayor Truex: They need to have, I think the word they used is binding. What was the exact term they used?

MA or KC: Binding authority.

Mayor Truex: Binding authority or else. It was a little bit unclear as to a hundred percent it's being withdrawn, but it was sort of - there's a letter that left a little doubt as to whether or not it was going to be open after noon today. Is that a fair statement Mr. Alan, you were going to comment on it.

Mr. Alan: Yeah, I suppose so.

Councilmember Paul: I'd like to speak also.

Mayor Truex: Okay.

Mr. Kiar: You know, I don't have the Charter in front of me, otherwise, I would look at the exact language. But what you're indicating is the concern that we might lose or incur considerable expense, is that it?

Mayor Truex: That's it, right.

Vice-Mayor Crowley: Mayor, if I may?

Councilmember Caletka: It's very vague.

Mr. Alan: What the Florida League, FMIT

Councilmember Paul: I can't hear.

Mr. Alan: What the Florida League, FMIT, had indicated to us was that they needed binding authority by noon today in order to secure other excess insurance. So that's why, via Ms. Starkey's request, why we're here today.

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- Mayor Truex: Okay, Mr. Caletka, I didn't want to cut you off, I think you still have the floor.
- Councilmember Paul: And Councilmember Paul wants to speak.
- Mayor Truex: Okay, you're right after Mr. Caletka's finished, then Mr. Crowley.
- Councilmember Caletka: Basically, I don't see how it threatens the health, safety or wellbeing of the community as an imminent threat and given that the Charter, when I reviewed the Charter, I'm not an attorney and I'm not going to practice law, but it seems to be somewhat open to interpretation on what qualifies. And with that, I'd hate to really use the outer limits of interpretation to qualify as an emergency meeting. I just think that it's inappropriate and my personal opinion, that it is an abuse of power to hold one over this subject. And I'm done, thank you.
- Mayor Truex: Okay, Mrs. Paul then Mr. Crowley
- Councilmember Paul: As, I don't, with the second bidder with such close dollar numbers, I don't see how it's an emergency either. I mean, there was always a backup. It's only an emergency if you're pushing the League. And, I don't appreciate being pushed around like this. I've never, in the nine years I've been sitting up there, ever remember having a vendor pull a stunt like this. I don't think it's very professional. And, I don't think it constitutes an emergency. I can't understand how they can't wait until Wednesday. And, I think, in one of the e-mails that came around, there was such a flurry of e-mails yesterday, that it actually said that in the RFP, it said the numbers would be binding for ninety days.
- Mayor Truex: Okay, Mr. Crowley.
- Vice-Mayor Crowley: Let me see here, with all due respect Mayor, I know you called this meeting, but I don't recognize it as an emergency. I would think it would be an emergency if we were going to be out of insurance by next week. If that was the fact that we would not have insurance, it would be a health and safety issue for our community, but I believe we do have insurance until, I believe, September 30th, and then we have to bring another firm on board or renew the contract we have with the existing firm. So, my apologies, I just don't recognize this as an emergency. The last time we had an emergency meeting was because of the hurricane, to declare it a disaster. That's what I see as an emergency meeting.
- Mayor Truex: Okay, I'll entertain a motion to adjourn.
- Vice-Mayor Crowley: Motion to adjourn.

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- Councilmember Caletka: Seconded.
- Mayor Truex: Okay, anything else to say Ms. Starkey before we vote on that?
- Councilmember Starkey: The only thing is, it would cost the Town a considerable more amount of money if this insurance is not binded or committed to today, which is to me, the safety and welfare, I mean the welfare, definitely, of the community. We've done this in the past. I know since I've served in the past five years, we have had issues where there was a financial reason why the Town Council had to meet on an emergency basis,
- Councilmember Caletka: (inaudible) the question your honor.
- Councilmember Starkey: whatever that may have been, and we did get an attorney's opinion for that issue which said that if there's a dollar amount that would be costing the taxpayers money, then you would do that. It is illogical to think that insurance would be bound for such a long time, that's an unusual thing to begin with when most premiums including our own property and insurance for our homes, they won't bind them or obligate them for longer than five-to-seven days, in the public market, so, you know, to me that was a concern
- Councilmember Caletka: Point of question your honor.
- Mayor Truex: Okay, hold it.
- Councilmember Starkey: in addition, there was a lot of other reasons why this had become, you know, brought to my attention, because several issues started to be brought to the League of Cities, Mr. Madden, when I spoke to him and he was concerned as to why all of a sudden additional information was being asked of him and asked to be provided, when he had agreed at the Council meeting, they had agreed to honor the price as well as honor the lower price of the workmen's compensation as well. And then with risk management, Mr. Lutzke going back and asking for additional reports, additional information, that they believed they had already provided them with the RFP. So, there was some confusion which I believe could have been a possibility that it would have cost the Town a lot more money if we did not at least meet quickly and briefly on it to discuss it and find out if there's any way to give the authority to allow someone to authorize the binding of this policy.
- Mayor Truex: Okay, we have a motion and second, roll call vote.
- Town Clerk Muniz: Councilmember Caletka.
- Councilmember Caletka: Yes.

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Town Clerk Muniz: Vice-Mayor Crowley.

Vice-Mayor Crowley: Yes.

Town Clerk Muniz: Councilmember Paul.

Councilmember Paul: Yes.

Town Clerk Muniz: Councilmember Starkey.

Councilmember Starkey: No.

Town Clerk Muniz: Mayor Truex.

Mayor Truex: Yes.

Town Clerk Muniz: Motion passes.

Mayor Truex: Okay, we're adjourned. (9:46 a.m.)